## REMARKS

***Double Patenting***

Claims 1-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of U.S. Patent No. 6,473,313 B1 (Pat.'313) in view of Justice et al. (US 6,299,266 B1) further in view of Adams et al. (US 6,330,147).

In response to these, applicant has amended claim 1 *including the original claim 4*, to define that when the press portion is inwardly pressed, the hands are elastically moved away from each other and extended through the corresponding through holes, thereby causing the palms to enter locking holes of the storage device, and **when the palms have entered the locking holes of the storage device, the clip elastically returns at least part of the way back to its original position** to cause the barbs of the palms to firmly engage with the storage device.

Neither Pat. '313 nor Justice discloses these features. Adams et al. discloses that "an outward force F1 on the end portions 26 causes the spring 20 to deform in a convex sense with respect to the component 10, causing an increased retention force between the spring 20 and the component 10" (lines 57-60, col. 3). That is, when the spring 20 is pushed toward the component 10, the alleged barbs 26 are forced away from each other by the component 10 at the apertures 11, but do not rebound (see Fig. 5). Thus, the spring 20 of Adams et al. is different from the clip of the present invention. So, even combining Pat. '313 and Justice et al. and Adams et al., one having ordinary skill in the art still cannot achieve the present invention as claimed in claim 1. Accordingly, claim 1 is patentable over claims 1-15 of Pat. '313, Justice et al. and Adams et al..

Claim 6 also defines that when the press portion is pressed inwardly, the clip is elastically deformed, the palms are moved away from each other to slide though

the through holes into the locking holes respectively, and **the clip elastically returns at least part of the way back to its original position to cause the barbs to firmly engage with the storage device at the locking holes**, thereby securing the storage device in the mounting bracket. For the same reasons set forth above, claim 6 should be patentable over claims 1-15 of Pat. '313, Justice et al. and Adams et al..

Claims 7-10 should also be allowable since each of them includes the novel features of Claim 6.

Claim 11 discloses that **each palm has barbs (at least two) extending toward the press portion**. Neither Pat. '313 nor Justice discloses these features. Adams et al. discloses that each palm has only one flattened enlarged end portion. Furthermore, in fact, a barb means "a sharp projection extending backward (as from the point of an arrow or fishhook) and preventing easy extraction; also, a sharp projection with its point similarly oblique to something else" (from *Merriam-Webster's Collegiate Dictionary*). The flattened enlarged end portion in Adams et al. cannot be called a barb. Thus, even combining Pat. '313 and Justice et al. and Adams et al., one having ordinary skill in the art still cannot achieve the present invention as claimed in claim 11. Accordingly, claim 11 is patentable over claims 1-15 of Pat. '313, Justice et al. and Adams et al..

Claims 12-13 should also be allowable since each of them includes the novel features of claim 11.

At last, Applicant likes to point out improperness of combining the Pat. '313, Justice et al. and Adams et al., and incapability of such a hypothetical combination to show the claimed invention.

Pat. '313 discloses the clip (10) essentially permanently secured to the bracket (26) with a pin type latch (22) extending through the slot (32) of the bracket (26)

and into the hole (54) of the data storage device (50) under a condition that the pin type latch (22) is essentially compliantly smooth for not interfering within the hole (54).

Justice et al. discloses the (detachable?) resilient clip (220) with a pin type latch (240) extending through hole (310) of the bracket(tray) (120) and into the hole (300) of the data storage device (110) under a condition that the pin type latch (240) is essentially compliantly smooth for not interfering within the hole (300) but adapted to be blocking in the hole (54). Even though the Examiner treats the clip (220) is a detachable item because it is only screwed to the bracket (120), **such a clip (220) substantially functions as a fixed type one in normal use**. This is the reason why Justice et al. uses the smooth pin type latch (240) for only stopping the relative movement of the data storage device (110) with regard to the bracket (120) without further requiring other retention means formed on the latch (240) for efficiently holding the clip (220) to the bracket (120).

As to Adams, the detachable clip (20) is used to retain the rail (14) to the data storage device (10) for later commonly installation into the corresponding bracket/frame, wherein rail (14) is essentially **NOT** the so-called bracket as defined and shown in either Pat. '313 or Justice et al.

The obvious rejection reasons are essentially based upon (I) Justice et al. disclosing the "*detachable*" clip defined in the claimed invention, and (II) Adams disclosing the clip retaining the "*bracket*" (14) to the data storage device (10). As illustrated before, these two statements do not correctly reflect the truth. Thus, the obviousness rejection is improper.

From another viewpoint, both Pat. '313 and Justice et al. disclose the clip already self-retained to the bracket and the smooth latch extending into the hole of the data storage device without interference for only blocking movement of the storage device relative to the bracket while essentially NOT providing retention

between the bracket and the clip. On the other hand, Adams discloses the clip with enlarged ends for retaining the rail, NOT bracket, to the data storage device. The combination of these three matters only results in the bracket having the constantly associated clip with the smooth latch blocking the installed data storage device under a condition that the data storage device is further provided with the rail fastened thereto by another clip. It can not lead to the claimed invention.

Most importantly, the structures of the clip shown in Justice et al. are essentially fit for the smooth type latch without any enlarged section or barbs thereon so as not to interfere with the corresponding hole of either the data storage device or the bracket during installation. It is because in Justice et al. the half central portion of the clip (220) is fastened to the bracket (120) by the screw (230) and there is relative smaller clearance between the latch (240) and the hole (300) during deflection of the clip (220). If the enlarged configuration or barbs as shown in Adams is applied to the latch (220) of Justice et al., there is high possibility to bring about improper/severe interference between such a hypothetical enlarged/barbed latch (220) and the hole (310) of the bracket (210) and/or the hole (300) of the data storage device (110), thereby result in malfunction. It should be noted that in Adams et al. because the clip (20) is essentially NOT self-retained to the rail (14) but the real detachable type, the clip (20) is allowed to be relatively freely deflected to have the enlarged end inserted through/into the hole (16) of the rail (14) and the hole (11) of the data storage device (10) without any improper/severe interference during installation.

In conclusion, *applying Adams et al. to Justice et al. will result in inoperativeness*. Therefore, these three references can NOT be combined together to render obvious the claimed invention.

In view of the foregoing, the subject application as claimed in the pending claims is in a condition for allowance and an action to such effect is earnestly

solicited.

Respectfully submitted,

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